

REMARKS

Claims 46-57 are currently pending in this application. By this paper, claims 46-57 have been amended, without prejudice, and solely for purposes of clarity. New claims 58-60 have been added. No new matter has been introduced by these amendments. Support for the amendments can be found throughout the specification as originally filed, such as, *inter alia*, page 3, lines 16-17 and original claims 2 and 5 of the specification published as WO2005/094783.

Requirement for Restriction

The Office Action has required restriction from among the following groups under 35 U.S.C. §§121 and 372:

Group I: Claims 46-53, drawn to liposomes comprising 10-60 mole % neutral lipid, 3-50 mole % cholesterol, and either 5-30 mole % amphoteric lipids or mixtures of cationic and anionic lipids at 50 mole % maximum, encapsulating at least one nucleotide in an aqueous interior;

Group II: claims 54-57, drawn to methods of treating a mammal with a composition comprising the structure of claim 1, and a drug.

The Office Action argues that the groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they allegedly lack the same or corresponding special technical features in view of Eibl et al. (U.S. Patent No. 6,649,780; "Eibl"). According to the Office Action, Eibl allegedly teaches compositions of liposomes, which are particularly preferred to be DOPE, DLPE, and CHOL, with CHOL being preferred for delivery of nucleic acids. The Office Action further argues that the relative amounts allegedly lack an inventive step, as a practitioner would optimize the amounts for their delivery and necessarily reach the same relative amounts Applicant claims. The compositions may allegedly be used to solubilize membrane proteins and the methods may be performed with other compositions for delivery and hence, the search for one would not necessarily yield art and information to search and examine the other invention.

Applicant respectfully disagrees, but in the interest of advancing prosecution, hereby elects Group I, corresponding to claims 46-53, without traverse, for further examination on the merits. Applicant reserves the right to reclaim withdrawn or cancelled subject matter in co-pending applications.

Species Election Requirement

The Office Action contends that the application allegedly contains claims directed to more than one species of the generic invention. These species were deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The Office Action has required Applicant to elect from the following:

A single form of oligonucleotide from those of DNA, RNA, chemically modified DNA, or chemically modified RNA (as recited in claim 48);

A single form of nucleic acid from those of antisense, RNAi, decoy, aptamer, or Spiegelmer (as recited in claims 50-52); and

A single composition as recited in claim 53.

Applicant hereby elects the species of "chemically modified RNA" as the oligonucleotide, "RNAi" as the nucleic acid, and the composition of "DMPC/MoChol/DGSucc/Chol 40:10:10:40", without traverse, for further examination on the merits.

Via EFS

Date of Deposit: March 14, 2011

Attorney Docket No. 29627-221N01US

CONCLUSION

Applicants respectfully request prompt examination in the application. If there are any questions regarding this Response, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

No additional fees are believed to be due, however, if any additional fees are required or if any funds are due, the USPTO is authorized to charge or credit Deposit Account Number: **50-0311**, Customer Number: **35437**, Reference Number: **29627-221N01US**.

Respectfully submitted,

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